

REQUEST FOR RECONSIDERATION

Reconsideration of this application is respectfully requested.

Prior to this amendment, Claims 1-10 were pending in this application. It is gratefully acknowledged that in the Final Office Action, the Examiner objected to Claim 10 as being dependent on a rejected base claim, but would allow Claim 10 if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Examiner rejected Claims 1 and 3-7 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,648,967 to *Schulz* in view of U.S. Patent No. 5,629,948 to *Hagiwara et al.* (hereinafter *Hagiwara*). The Examiner rejected Claims 2, 8 and 9 under 35 U.S.C. §103(a) as being unpatentable over *Schulz* in view of *Hagiwara*, and further in view of U.S. Patent No. 6,308,294 to *Ghosh et al.* (hereinafter *Ghosh*).

Please cancel Claim 3 with out prejudice. Please amend Claims 1 and 4 as set forth herein. No new matter has been added. Accordingly, Claims 1-2 and 4-10 are currently pending.

Regarding the §103(a) rejection of Claims 1 and 3-7, Applicant respectfully traverses. As stated above Claim 3 has been cancelled, and the recitations therein have been included in Claim 1. It is respectfully asserted that *Schulz* does not disclose sub-blocks having a different quality of service (QoS), as recited in Claim 1. Neither is there any mention in *Schulz* of each sub-block having a priority if the sub-blocks have a different QoS. The Examiner's rejection doesn't even mention these claim recitations. *Hagiwara* fails to cure these deficiencies in *Schulz*. Moreover, *Schulz* fails to disclose any QCTCs as claimed in Claim 1, and the Examiner cites text in *Schulz* that allegedly teaches the recitations of Claim 3, no cancelled and included in Claim 1. However, there is no recitation of QCTCs in the text cited by the Examiner, nor anywhere else in *Schulz* for that matter. *Hagiwara* fails to cure this deficiency in *Schulz*, as well. Worse yet, the Examiner has provided no teaching of the use of QCTCs in the rejection, nor any statement as to why the use of QCTCs would have been obvious in the combination of the rejection, which we do not believe it would have been. Absent any teaching or suggestion of the use of QCTCs, and without any statement of obviousness, there simply can be no *prima facie* case of obviousness in the rejection of

Claims 3-4, with Claim 3 now being recited in Claim 1. For at least the foregoing, Applicant respectfully submits that the §103(a) rejection of Claims 1 and 4-7 should be withdrawn. Withdrawal of the same is respectfully requested.

Regarding the §103(a) rejection of Claims 2, 8 and 9, Applicant respectfully traverses for at least the reasons stated above with respect to the rejection of Claims 1 and 3-7, and further, since *Ghosh* fails to cure the stated deficiencies in *Schulz* and *Hagiwara*. Accordingly, withdrawal of the same is respectfully requested.

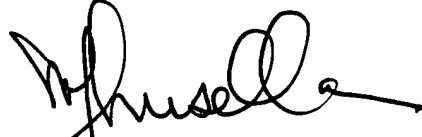
Additionally, it is respectfully asserted that the Examiner has not considered the fact that the sub-blocks of the present claims have a priority according to the different quality of service.

Regarding the rejection of Claims 3-6, it is respectfully submitted that the “frequency hopping method”, cited by the Examiner, does not disclose or even fairly suggest that which is presently claimed, namely, when there is a request for retransmission, the sub-blocks are re-transmitted with changing the code, even though the sub-blocks have been transmitted a predetermined number of times.

Independent Claim 1 is believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2 and 4-10, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2 and 4-10 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1, 2 and 4-10, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Musella", with a long horizontal flourish extending to the right.

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